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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,353	01/18/2002	Jonathan S. Black	9198.00	9276
26889	7590	07/23/2009		
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			EXAMINER WEIS, SAMUEL	
			ART UNIT 3695	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/051,353

**Applicant(s)**

BLACK ET AL.

**Examiner**

SETH WEIS

**Art Unit**

3695

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 9 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Applicants' Request for Continued Exam (RCE) filed on 27 April 2009. Claims 1-6, 9, and 24-36 are currently pending. Claims 1, 5, 6, 9, 31, and 32 have been amended. Claims 1-6, 9, and 24-36 have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 March 2009 has been entered.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 9, 24, 25, 29-30 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny).

As to claims 1, 6, and 9, Freeny discloses a method of operating a self service terminal and a self service terminal (abstract, Figs. 7, 10, 21) comprising: receiving wireless communication signals from a mobile computing device in the vicinity of the SST and engaging in communication with the device to detect one or more characteristics relating to device capabilities of the mobile computing device and user preferences of a user of the mobile computing device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57); displaying a series of transactions options to the user, the series of transaction options selected based upon details of the user received from a remote server (col. 18, lines 29-50); configuring an SST user interface of the SST to accommodate detected device capabilities and user preferences for the user, configuration of the user interface of the SST including adapting information presented on a display screen of the SST based on the mobile device capabilities and .user preferences (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57).

As to claim 2, Freeny discloses receiving those an additional device[s] within the vicinity of the SST but which do not belong to a user not currently interacting with the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 3, Freeny discloses determining the configuration of the SST user interface based on the detected characteristics of the additional device[s] .within the vicinity and which belongs to the user not currently interacting with the SST before that

user begins to interact with the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 4, Freeny discloses ordering a plurality of determined configurations in accordance with the time that each detected device has been in the vicinity of the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 24, Freeny discloses wherein configuration of the SST user interface includes identifying a communication method used by the mobile computing device and communicating with the device to transmit information for display by the device and receive user inputs entered by the user through the device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 25, Freeny discloses detecting an additional mobile computing device belonging to a user not currently interacting with the SST and presenting that user with an option of conducting a transaction with the SST by way of communication using the mobile computing device (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claims 29 and 30, Freeny discloses communicating with the mobile computing device through secure infrared communication and Bluetooth communication (col. 38, lines 25-33).

As to claim 33, Freeny discloses reading an identification device presented at an identification device reader of the SST and receiving an authentication input by the user (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 34, Freeny discloses wherein the identification device is an identification card bearing encoded information readable by a card reader of the SST (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 35, Freeny discloses wherein the SST is an automated teller machine and wherein the configurable user interface includes a user identification device reader (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57);

As to claim 36, Freeny discloses a currency dispenser for dispensing currency (col. 37, lines 48-56).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny), in view of Drummond et al., U.S. Pat. No. 7,080,036 (hereinafter, Drummond).

As to claim 5, Freeny does not explicitly disclose displaying advertisements or other information selected according to the detected characteristics of a mobile computing device

However, Drummond teaches an automated banking machine and development method that includes selectively advertising information to customers (col. 18, line 50-col. 19, line 25). It would have been obvious to combine Drummond and Freeny to provide customers with notifications of services offered in order to produce more revenue.

7. Claims 26-28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr., U.S. Pat. No. 6,490,443 (hereinafter, Freeny), in view of Drummond et al., U.S. Pat. No. 7,080,036 (hereinafter, Drummond) in view of Zalewski et al., U.S. Pat. No. 7,155,199 (hereinafter, Zalewski).

As to claims 26, 27, and 31-32, Freeny does not explicitly disclose: transmitting advertising material to mobile computing devices of users not currently interacting with the SST; wherein the advertising material includes a notification of remote banking services available through the users' mobile computing devices; wherein configuring the SST user interface includes communicating with the user through a short message service facility; wherein the series of transaction options include the option to transmit details of the user's balance or most recent transactions to the mobile telephone using the short message facility. .

However, Zalewski teaches a system and method of making payments using a mobile computing device with embedded transponder that utilizes short message services (col. 11, lines 46-66 and col. 15, lines 1-32). Zalewski teaches using SMS as a communication method between a mobile computing device and a self service terminal in order to notify and transmit information regarding goods and services available.

Finally, Zalewski teaches transmitting the balance of the bank account through SMS (col. 15, lines 9-31). It would have been obvious to combine Zalewski and Freeny and Drummond to transmit potential goods and services available to customers (like banking services) in order to produce more revenue.

As to claim 28, Freeny discloses receiving details of a requested transaction from a user not currently interacting with the SST and presenting said user with an option of completing the requested transaction when the user approaches the SST to begin the interaction (abstract, Figs. 7, 10, 21, col. 17, line 35- col. 18, line 50, col. 33, lines 34-57).

#### ***Response to Arguments***

8. Applicant argues that Freeny does not disclose in independent claims 1, 6, and 9: "displaying a series of transactions options to the user, the series of transaction options selected based upon details of the user received from a remote server." The Examiner respectfully disagrees. Freeny explicitly discloses a menu screen for an ATM at col. 18, lines 29-50. Freeny also discloses utilizing a mobile computing device to access the menu as well as menu services on an ATM system (col. 33, lines 34-57). Therefore, the limitation is disclosed.

9. Applicant argues that Drummond does not disclose presentation of selected advertising and other information selected according to the detected characteristics of the mobile computing device. The Examiner respectfully disagrees. Drummond discloses displaying advertisements on the ATM based on customer profiles (col. 19, lines 1-25). While Drummond does not teach advertising based on the characteristics



of a mobile computing device, one of ordinary skill in the art would understand how to modify Freeny (which discloses the mobile computing device, supra) in order to display advertisements taught by Drummond because the features are old and well known in the ATM arts. Therefore, the limitation is disclosed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SETH WEIS whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SETH WEIS/  
Examiner, Art Unit 3695

/Charles R. Kyle/  
Supervisory Patent Examiner, Art Unit 3695